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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
09/847,145	05/02/2001	Wolfgang Theimer	413-010326-US (PAR)	6585				
2512 Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614	7590 07/19/2010		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>NGUYEN, LE V</td></tr></table>		EXAMINER	NGUYEN, LE V		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/847,145

Applicant(s)

THEIMER, WOLFGANG

Examiner

LE NGUYEN

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to an amendment filed 5/10/10.
2. Claims 1-22 are pending in this application; and, claims 1, 10, 12, 14 and 22 are independent claims. Claim 12 has been amended. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-8, 10-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527).

As per claim 1, although Bush teaches a method comprising controlling a system, especially an electrical and/or electronic system, comprising a plurality of application devices in which control information in the form of a spoken command is detected, the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with wherein if the detected control information is associated with a single application device, a control corresponding to the detected control information is executed in the application device (col. 5, lines 23-32; col. 22, lines 42-47), Bush does

not explicitly disclose if detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided wherein, upon selection of the application device, a control corresponding to the detected control information is executed in the application device. Taylor teaches if detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided wherein, upon selection of the application device, a control corresponding to the detected control information is executed in the application device (Abstract; col. 65, line 65 – col. 66, line 10). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to include the method of Taylor with the method of the modified Bush in order to resolve ambiguities.

As per claims 2 and 15, the modified Bush teaches a method and interface comprising that the detected control information is signaled back as announcement or indication for confirming the detected control information input (Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claims 4 and 17, the modified Bush teaches a method and interface comprising that a detected control information input which cannot be reliably interpreted is correspondingly marked in a return signaling (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claim 5, the modified Bush teaches a method comprising determining whether the detected control information is complete in order to be able to execute a

requested action, and a request to complete the detected control information is made if the determination is that the detected control information is not complete (Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claim 6, although the modified Bush teaches a method wherein the detected control information input comprises keyword or keywords, the keyword or keywords being compared with stored keywords for the purpose of determining a control function corresponding to the detected control information and the application device to which the detected control information corresponds (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10), the modified Bush does not explicitly disclose utilizing a database; however, utilizing a database is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include such utilization with the method of the modified Bush as an implementation preference, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

As per claim 7, the modified Bush teaches a method comprising that the database of stored keywords includes an association of available application devices, control instructions and control parameters corresponding to the stored -keywords as control information (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claims 8 and 16, the modified Bush teaches a method and interface comprising that the control parameters are stored as lists and, moreover, associated with keywords stored as control information (Taylor: fig. 10 and respective portions of the specification).

Claims 10, 12, 14 and 22 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

As per claims 11, 13 and 21, the modified Bush teaches a method and interface comprising providing a prompt and an output device for outputting information to the user wherein the method and system is operative to request, via the output device, the additional control information from the user if the detected control information input is unknown, ambiguous or incomplete (Bush: col. 5, lines 30-32; col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

Claim 19 is similar in scope to the combination of claim 6 and 7 and is therefore rejected under similar rationale.

As per claim 20, the modified Bush teaches an interface comprising that the control parameters are stored as lists and, moreover, associated with keywords stored as control information (Taylor: fig. 10 and respective portions of the specification).

5. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527) as applied to claim 2, and further in view of Houser et al. ("Houser", US 5,774,859).

As per claims 3 and 18, although the modified Bush teaches a method and interface comprising that, upon determining that the detected control information input which allows a number of possibilities for its interpretation is associated with more than one application device (Taylor: Abstract; col. 65, line 65 – col. 66, line 10), the modified Bush does not explicitly disclose providing a list of application devices with which the detected control information is associated and allowing selection of one of the

application devices on the list. Houser teaches providing a list of application devices with which the detected control information is associated and allowing selection of one of the application devices on the list (col. 19, lines 44-46). It would have been obvious to an artisan at the time of the invention to include the method of Houser with the method of the modified Bush in order to provide users with an indication of available likely options, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527) as applied to claim 7, and further in view of Osawa.

As per claim 9, although the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising storing control instructions for the application devices affected and the control parameters needed in each case to execute the instructions (Bush: fig. 2a and *respective portions of the specification*; col. 5, lines 23-32), the modified Bush does not explicitly disclose using data records. Osawa teaches a method for controlling a system, especially an electrical and/or electronic system, comprising using data records (fig. 4; page 9, lines 11-14; page 10, lines 17-22; *depicted is a table containing multiple data fields wherein each row in the table constitutes a data record, i.e. each row contain more than one data field and different rows contain similar data, therefore, each row is called a data record*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Osawa with the method of the modified Bush in order to provide users with data organizational capabilities.

The modified Bush and Osawa still do not explicitly disclose the control instruction being stored together with dummy codes for the applications devices affected; however, using a dummy to reserve space is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of a dummy to the method of the modified Bush and Osawa so that space may be reserved until the intended item is available.

Response to Arguments

7. Applicant's arguments filed 5/10/10 have been fully considered but they are not persuasive.

Applicant argued:

Since in Bush an appliance can be activated/controlled only after the user identifies that appliance, Bush and Taylor do not disclose or suggest "*a determination is automatically made*" as to which application device the detected control information is associated with..." as claimed in claim 1 given that the examiner appears to be reading the references and merely picking out portions of the references that use the same or similar words to those in applicant's claims including claim 3 wherein Houser's providing of options when a command is not recognized is not the same as upon determining that the detected control information which is associated with more than one application device providing a list of application devices with which is associated with more than one application device providing a list of application devices with which the detected control information is associated and allowing selection of one of the application device

on the list.

The Office disagrees for the following reasons:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., without user identifying the appliance) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, if applicant feels that the claims and the references use similar words, it would appear that applicant's claim language require differentiation in order to overcome the prior art of record.

In response to applicant's arguments against the references individually (i.e., Houser), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While Taylor teaches that upon determining that the detected control information input which allows a number of possibilities for its interpretation is associated with more than one application device (Abstract; col. 65, line 65 – col. 66, line 10; control information is associated with more than one device such as a device that produces electric light aka a lamp wherein a method to resolve the ambiguity is provided), Houser teaches a speech interface for controlling a plurality of devices (col. 7, lines 25-33; col. 11, line 65 – col. 12, line 24; col. 32, lines 37-50) wherein the main teaching extracted from Houser is for the feature of providing a method to resolve

ambiguity if a command is not recognized and, moreover, a list of options if a comparison does not result in a recognition of a command (col. 19, lines 44-46).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
July 8, 2010

/DENNIS-DOON CHOW/
Supervisory Patent Examiner, Art Unit 2174